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MAYOR, VICE MAYOR, COUNCIL MEMBERS, MANAGER & CLERK**

This memorandum includes sensitive strategy information that must be very closely held.

MEMORANDUM

PLEASE DELIVER A COPY

TO: Mayor, Vice Mayor, Council Members, Manager & Clerk
Town of Davie

FROM: Brenda Lee Chalifour, Esq. – 954-925-0300 or mobile 305-281-8708

DATE: March 22, 2004

RE: **Objective:** To protect the health, safety and welfare of the Town of Davie relative to the proposed expansion of the Ft. Lauderdale-Hollywood International Airport (FLL)

Action Requested: Approve a resolution to secure our services to satisfy this objective (see further details at the end of this memorandum)

Background/Progress to Date: As you may be aware, we began providing services regarding opposition to the expansion of FLL almost three years ago (April, 2001). We have developed a strategy to not only track the expansion process through the regulatory process and raise objections, but also to generate comprehensive opposition to the expansion which supports the Town of Davie's position.

Some of the most significant achievements during this time were (1) comments we made to the FAA's Environmental Impact Statement (EIS) regarding the expansion of FLL. In particular, our expertise with the regulatory processes of

several agencies including both the U.S. Army Corps of Engineers and South Florida Water Management District along with extensive public records review at the Broward County Aviation Department (BCAD) uncovered strong evidence to support the opposition to the expansion; (2) the creation of Airport Advisory Boards in both the City of Hollywood and Town of Davie; (3) building a coalition of opposition to the expansion to include environmental groups; (4) forcing the County Commission to take action (e.g., form a Broward County Airport Advisory Task Force, start asking the right questions to expose the facts, etc.).

Through our work it seems quite clear that both the FAA and Broward County are aware that there is substantial opposition to the expansion of FLL.

Additionally, we have highlighted the problems associated with the expansion to other regulatory agencies on the federal and state level (e.g., the Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Dept. of Transportation, the U.S. Department of Commerce, the U.S. President's Council on Environmental Quality, the Florida Dept. of Environmental Protection, the South Florida Water Management District, the Governor's Office, the State Dept. of Transportation, and others). For example, we have made public comment in many forums highlighting the increase in air and noise pollution that will result from such expansion. We have raised questions about using funds for this purpose when there are higher priority items (such as security) to consider. We have highlighted the fact that airports are risky operations and the potential to contaminate our only source of water presents grave concerns.

It seems quite clear that the federal and state regulatory agencies are aware that there is opposition to the expansion of FLL.

In addition to the items above, we have also provided some media relations work to include drafting letters to the editor and keeping the media apprised of important activities.

Future Plans/Strategy: The Town of Davie has a substantial interest in the FLL expansion issue. We would like to assist the Town in meeting its fiduciary duty to protect the health, safety and welfare of the people of the Town.

Our strategy is to continue to actively participate in two of the key areas affecting the proposed expansion: (1) the regulatory process, and (2) the political process.

1. **Regulatory Issues:** There are many regulatory agencies involved in the expansion of FLL (many of which are listed above).
2. **Political Issues:** There are political bodies which can/will make decisions affecting the proposed expansion (to include U.S. Congress, possibly the State Legislature, Broward County and Municipalities).

Knowledge of the process and timing of actions necessary to move the proposed expansion forward is critical to achieving our objective so that we can apply the appropriate "pressure" to the process at the appropriate times. While this is a rather complicated undertaking, we are committed to accomplishing our objective.

Implementation of Strategy: Implementation of this strategy requires legal, environmental, economic and public relations skills, knowledge and experience. For example, in order to efficiently and effectively deal with the regulatory issues, it is necessary to employ legal strategies (e.g., comments to the Environmental Impact Statement (EIS)). In order to efficiently and effectively affect the political decisionmakers, it is necessary to highlight all the legal, environmental and economic impediments to FLL expansion. It is also necessary to employ a "grass roots" effort to motivate elected officials to make more appropriate decisions. For example, we now have a substantial data base of active participants in opposition to the expansion of FLL. Through our "FLL Expansion Update" emails we are able to motivate these individuals to take action which has been extremely effective thus far.

Suggested Approach for the Town of Davie: We would like to provide our services to assist the Town of Davie meet its fiduciary duty to protect the health, safety and welfare of its residents. We have a proven track record of success and are uniquely qualified to perform these services immediately.

Our basic work ethic is to provide the services needed to accomplish our objective without unduly burdening the taxpayers

Our experience over the past three years indicates that in order to efficiently and effectively work on all the facets of the expansion of FLL, one must dedicate a minimum of 40 hours each month. Some months, however, have required a higher level of effort (e.g., last November we invested 123 hours, 88 of which were

without charge/pro bono). In fact, since October, 2003 to the present we have donated over 623 hours of pro bono services to this issue (an average of 28 hours of pro bono services per month). We will continue to provide pro bono hours on this project to ensure we are doing everything we possibly can to protect the Town of Davie.

Additionally, given our commitment to improving the quality of life for the residents and businesses of the Town of Davie, we have reduced our usual billing rate of \$200/hour to \$100/hour.

Action Requested: We would like the Town of Davie to pass a resolution to secure our services for a minimum of 40 hours per month, maximum of 60 hours per month at a rate of \$100 per hour.

We look forward to the opportunity to work with you.

I am available to you on call to discuss this matter directly with you.